

LINCOLN PLANNING BOARD

SEPTEMBER 27, 2006

MINUTES

The regular meeting of the Planning Board was held on Wednesday, September 27, 2006, at the Town Hall, 100 Old River Road, Lincoln, RI.

Chairman Mancini called the meeting to order at 7:02 p.m. The following members were present: Patrick Crowley, Diane Hopkins, John Mancini, Gregory Mercurio and Gerald Olean. Absent were David Lund and Michael Reilly. Also in attendance were Town Planner Albert Ranaldi, Town Engineer Kim Wiegand and Town Solicitor Mark Krieger. Margaret Weigner kept the minutes.

Chairman Mancini advised five members present; have a quorum.

Mr. Olean made a motion to move Item #6 Comprehensive Permit up on the agenda to the next item. Mr. Crowley seconded motion. Motion passed unanimously.

COMPREHENSIVE PERMIT

- a. Albion Place AP 32 Lot 44 Comprehensive Permit Review
Albion Place, LLC Main Street Discussion/Approval**

Mr. Ranaldi stated that this is a Comprehensive Permit application involving affordable housing. The applicant is proposing six units – two of those units would be counted as affordable housing units. The Technical Review Committee (TRC) recommended conditions with approval as outlined in the TRC report. Chairman Mancini asked what the Zoning Board of Review did. Mr. Ranaldi stated that the Zoning Board gave a positive advisory recommendation to the Planning Board. Chairman Mancini stated that a public hearing was held last month and the Board was waiting for the recommendation from the Zoning Board.

Mr. Olean made a motion to accept the recommendations of the TRC. Mr. Mercurio seconded motion. Motion passed unanimously.

Chairman Mancini asked what else needed to be done for this application. Mr. Ranaldi stated that this was the last the Board would see of this application – the rest is an administrative process. Documents will be required to be filed with him showing that two of the units will be counted as affordable. A report will be filed with the Board when the plan is finalized.

SECRETARY'S REPORT

Mr. Olean made a motion to dispense with the reading of the July 26,

2006 minutes. Mr. Crowley seconded motion. Motion passed unanimously.

Mr. Olean made a motion to accept the minutes as amended. Mr. Crowley seconded motion. Motion passed unanimously.

Mr. Olean made a motion to dispense with the reading of the August 23, 2006 minutes. Mr. Crowley seconded motion. Motion passed unanimously. Chairman Mancini stated that there was no meeting held on August 23, 2006, as there was no quorum. The minutes were accepted as presented.

CONSENT AGENDA

Chairman Mancini stated the Consent Agenda contains Zoning applications and numerous items under Miscellaneous/Correspondence. He stated that any item on the consent agenda could be removed and discussed separately by making a motion. Chairman Mancini asked about the zoning application for Gary and Lori Rosa – there are two separate variance requests – he asked Mr. Ranaldi to explain use variance for reduction of lot size for new subdivision. Mr. Ranaldi stated that it is a single family residential neighborhood (RS-12). We determined that the house is a two-family house and the applicant wanted a use variance to allow a two-family in a single family residential area. Attorney

Michael Horan, representing the applicant, stated that he could answer any questions. Chairman Mancini stated that the two items would have to be removed from the Consent Agenda to discuss them separately. Ms. Hopkins made a motion to remove the items for Gary and Lori Rosa from the Consent Agenda. Mr. Olean seconded motion. Motion passed unanimously.

Attorney Michael Kelly stated that he needed to be heard very briefly on the AF Homes matter. Mr. Mercurio made a motion to remove AF Homes from the Consent Agenda. Ms. Hopkins seconded motion. Motion passed unanimously.

Mr. Olean made a motion to accept the Consent Agenda as amended. Mr. Mercurio seconded motion. Motion passed unanimously.

Chairman Mancini stated that they will go back to the application for Gary and Lori Rosa. Mr. Horan stated that there are two items of relief that the applicant is seeking. They have filed a plan for a minor subdivision to subdivide Plat 16 Lot 10 into two lots. They will build a 13,422 sq. ft. single family dwelling, with the existing lot containing a 22,610 sq. ft. two family house. This is a RS-12 zone where the minimum lot size is 12,000 sq. ft. They meet the dimensions with the resulting lots from this minor subdivision. They had read the recommendations of the TRC. There is no change relative to the existing buildings except that the shed would be removed. That had always been a two family dwelling on that lot with the garages. His

clients have not changed the contour of those buildings in any way. The Zoning office maintains that a use variance is needed relative to the existing use. Although, they are seeking a use variance, they are not changing the use in any way. They are seeking to create a new buildable lot in which both will be in excess of 12,000 sq. ft. Some dimensional relief is needed for the existing two-family house relating to the frontage and side yard relative to the Zoning Ordinance.

Mr. Olean stated that he is unclear of what they are speaking of right now. On the agenda, there is a minor subdivision. He asked Mr. Horan if he was speaking to the minor subdivision or the zoning application. Mr. Horan stated that he thought he was here for the zoning applications. Chairman Mancini stated that first is the zoning application. By policy, all zoning applications come to the Planning Board for a recommendation. The Board is also considering a minor subdivision. What makes this interesting is the fact that based on the recommendations on the zoning applications, it may have an impact on the minor subdivision. The Board needs to make a recommendation to the Zoning Board. He does not think there is enough information to deny at this time. Chairman Mancini would consider a recommendation to the Zoning Board to approve these variances with no reflection on what the Planning Board might do when the minor subdivision comes forward. Mr. Horan was led to believe that the Zoning matter had to be considered first. Chairman Mancini stated that it is done both ways. Sometimes a recommendation is made that the application has to come back to the

Planning Board. Mr. Krieger stated that what the Board has to consider is whether the existing two-family home is a lawfully existing two family. According to Town records, there have been no previous variances sought in the past. It is on town records as a single-family house. The applicant would have to show that the house existed as a two-family house prior to the existence of the Zoning Ordinance. Mr. Horan did not know that was an issue; his clients purchased the home years ago as a two-family house. Mr. Krieger stated that the Town assesses the house for sewer purposes as a single-family – only paying one maintenance fee. The water service is the same. The Town is not questioning whether the applicant in good faith purchased the property believing that it was a multi-family property. Two family homes are not allowed in that area.

The applicant would have to show that building permits were taken out or some evidence that the two-family existed prior to 1958. Mr. Mercurio asked what the closest proximity was to this property of legally conforming two family homes. Mr. Krieger replied approximately ½ mile. Mr. Mercurio asked what the field card listed for this property. Mr. Horan stated that the field card stated it is a two unit residential. Mrs. Rosa stated that is how they purchased the property.

Chairman Mancini stated that they would not make a decision. Mr. Olean made a motion on the zoning applications for use variance and dimensional variance that not enough information was given to make a decision. Mr. Mercurio seconded motion. Mr. Crowley asked if the

Board was tabling the matter. Chairman Mancini stated that no recommendation would be provided to the Zoning Board based on a lack of information or inconsistent information. Mr. Horan asked if they were being instructed to go to Zoning first. Chairman Mancini stated that the applicant was going to the Zoning Board either way; the Zoning Board does not always take the Planning Board's recommendation. Mr. Horan stated that he would look into the matter. Chairman Mancini stated that the applicant would go to the Zoning Board in a neutral state without any influence by the Planning Board. Motion passed unanimously.

Chairman Mancini stated that they will now discuss AF Homes. Mr. Kelly stated that the recommendation is for approval but the applicant has a problem with one of the conditions. One of the conditions is that the project includes 25% affordable housing; 25% is the requirement for making this a Comprehensive Permit application, which this is not. The 25% would make this project economically unfeasible. He had discussions with Mr. Ranaldi and they are amenable to making this project 10% affordable. He would ask the Board to accept the recommendation but change the condition of approval from 25% to 10%. Chairman Mancini asked how many units there would be and Mr. Kelly replied approximately 40. Mr. Mercurio asked how much the units would be sold at full retail. Mr. Kelly stated that full retail is estimated to be at \$300,000-\$325,000. RI Housing & Mortgage Corporation's numbers for Lincoln in terms of the median value are approximately \$150,000-\$160,000. It is a very expensive

rehabilitation – new construction would cost less. Mr. Mercurio stated that fair market value would be about \$300,000 – to make it affordable, it would have to be sold at 50% of fair market value. He stated that you are looking at \$1.5 million in cash flow to make it low and affordable. What is the percentage markup for profit on top of actual cost? For example, if you built something for \$100,000, what would you sell it for? Mr. Kelly stated that he would not venture a guess in this market. Mr. Mercurio stated that what he is getting at is that if the developer had to do what the Board was suggesting them to do, it looks that they would have to sell at below their construction cost. He asked if the developer could make the project work at 10% affordable, and Mr. Kelly replied that they could make it work at 10%. Chairman Mancini asked where the 25% number came from. Mr. Ranaldi stated that it came from the Mill Conversion Overlay District that the Town Council is still reviewing; in the past the Town has used 10%. Mr. Mercurio asked Mr. Ranaldi if he was comfortable with the 10% and Mr. Ranaldi replied yes.

Mr. Mercurio made a motion to reduce the affordable housing units from 25% to 10%, accept the proposal, and make a recommendation to the Zoning Board. Mr. Crowley seconded the motion for discussion. Mr. Crowley stated that since this is his neighborhood, he has a particular interest in this as well as the affordable housing aspect. From his point of view, going to 10% is unacceptable. It does not meet the needs of the Town in terms of affordable housing needs and it does not meet the needs of the neighborhood. He is overly

concerned about this being fast tracked. He will be voting no. Chairman Mancini asked why 10% was not acceptable. Mr. Crowley would rather have the number higher because we need more affordable housing in the area. This is an area of town that working class people could still move in – they can not afford to now. He understands the economic feasibility of it but the Town needs to balance their affordable housing needs and the character of the neighborhood and give them more weight than the profit margins of the developer. Mr. Mercurio asked Mr. Crowley if the developer can not afford to do it at 25% but it can do it 10%, you lose everything and get nothing. Mr. Crowley stated that in the Fiscal Impact Study, in light of 25% of affordable housing, if that reduces to 10%, then it reduces the fiscal impact. Right now the project is designed to be a net gain for the Town, but he is not sure by reducing the affordable housing numbers, how that comes into play. It is a question of what the project looks when it goes from 48 units with 25% affordable housing to 48 units with 10% affordable housing. That is a significant drop in the number of affordable units. Mr. Mercurio stated that the taxation is based upon the real estate market value of the unit, not the sale price. If you have less affordable housing, the value will be higher with a higher tax base. Mr. Crowley stated that this project was based on the number of children, and the number of families based upon a certain element of affordable housing. If those numbers are going to change, then the fiscal impact is going to change and not just the tax issue. The net tax benefit to the Town was based upon a certain number of school aged children would

move into the area and how that would affect the school system and budget. The Town is contemplating changing this area to a Mill Conversion Overlay district and part of that change is this 25% set aside for affordable housing. He does not want to see a rush of developers coming forward to get their projects done before the rules change. Mr. Mercurio stated that his concern is that if the change is made for the overlay district, there is no developer that will be able to afford to rehabilitate those old mills.

Ms. Hopkins stated that this is her area too and this is an eyesore and would like to see it developed. Mr. Mercurio stated that if it was the town's money that was being spent and this was a town project he would agree. We have an outside developer coming in and trying to make a profit for themselves and still do something for the benefit of the Town, if it is not economically feasible, nothing will be done. Mr. Crowley stated that he is not convinced because of Mr. Kelly's assertion of what their profit line is, nor that there is not another developer who could do it another way with a different financing scheme. This project may end up going forward – he hopes it does. He agrees with Ms. Hopkins that the area is an eyesore and a blighted area; however, his overall goal is that whatever gets developed there fits within the nature of the character of the community. It seems to be a little too fast tracked. Mr. Kelly stated that he does not know what Mr. Crowley means about fast tracking. An application was filed; there are time constraints under the purchase and sales agreement and that is the only fast tracking he is aware of. If they

don't move forward and get their permits, they will lose their rights to buy the property. This project will come back before the Board for three additional phases and the fiscal impact study will be upgraded. Mr. Mercurio is right – the less affordable units, the higher the real estate value, so the net gain to the Town will increase and the number of children will decrease or stay about the same. It is usually one child every ten units. The Board will get three more looks at this project and it will be a vast improvement over what is there now and will be a benefit to the neighborhood. The developer can not make the project work with 25% affordable housing. The 25% is the number that is fixed if this project was a Comprehensive Permit application and it would be fast tracked. We would not have to go before the Zoning Board; it would be a fast tracked situation. The 25% is calling on the developer to subsidize 25% of the units and it just does not work in this type of rehab. If it was economically feasible, we would be here on a Comprehensive Permit and we would go through it like that. Mr. Mercurio asked Mr. Ranaldi how much of this mill complex is going to require heavy costs for asbestos, lead abatement and other things. Mr. Ranaldi stated that he knows that brick will have to be removed to add windows; that will be an expense to the developer.

Mr. Ranaldi wanted to bring up a statement he made while developing the new ordinances is that some numbers may not work in the ordinances and may have to be modified. This has been a learning curve for all of us, especially with the mill complexes as there is a limited amount of area that is covered and 25% may not be the number. Just having an affordable housing element will benefit

the town. Mr. Mercurio asked if we have an opportunity to do 10% versus 25%, that would be to the benefit of the Town because we don't know if 25% will be the real number. Mr. Ranaldi stated that we may have a developer come forward who is federally or state subsidized who says that they can make this project work. Mr. Mercurio asked how many of those developers have come forward in the past year and Mr. Ranaldi replied none. Mr. Ranaldi stated that a private developer may give 25% affordable but want to add two stories to the mill building. From the Town's standpoint, it is a negotiation, a give and take, and 10% is better than nothing. Mr. Crowley stated that it is 48 units - which would be 4.8 affordable units – is it 4 or 5? Mr. Ranaldi replied five units. Mr. Crowley said you are talking the difference of 12 affordable units and 5. Mr. Mercurio stated that it is a net difference of 7 units. Chairman Mancini stated that this is a motion to the Zoning Board. The motion was made to accept the recommendation of the TRC for AF Homes with a modification that 25% be changed to 10% for the number of affordable units. A roll call vote was taken – Ms. Hopkins, Mr. Mercurio, and Mr. Mancini vote aye, Mr. Olean and Mr. Crowley voted no. Chairman Mancini stated that it is a 3-2 vote that recommends that the TRC goes forward with an approval of condition of 10% as opposed to 25%. This is a recommendation, so a majority of the Board is not needed. Mr. Krieger stated that the motion fails. Chairman Mancini stated that on a recommendation, it is the majority of the vote. Mr. Kelly stated that the regulations require a majority of the Board when acting on subdivisions, but on recommendations,

there is no such requirement.

MAJOR LAND DEVELOPMENT REVIEW

a. A. G. Morrow Investment Building AP 28 Lot 135 Public Hearing – 7:15 p.m.

A. G. Morrow Investment Co., LLC Wellington Road Preliminary Land Development

Plan Discussion/Approval

Mr. Ranaldi stated that this is a commercial development on Wellington Road in front of the Board for a Major Land Development Review. The TRC has reviewed the application. An NBC permit and insignificant alteration permit from RIDEM was received. The applicant has sufficiently addressed all of the TRC's concerns. They have proposed and RIDEM has required an evergreen buffer between the commercial property and the residential property.

The list of abutters was read. Chairman Mancini asked if anyone was present that is an abutter but whose name was not called. Since the Town Planner just gave a brief rundown, the developer will give a presentation, the Board will ask questions, and then the public can ask questions.

Curtis Ruotolo of Thalmann Engineering stated that he is

representing the developer A. G. Morrow Investment Co., LLC. His client is proposing a 21,000 sq. ft. commercial condo building consisting of 14 units. They will supply the Area of Planning Concern (APC) with the signage, evergreen buffer plan and lighting plan. The evergreen buffer will be located along the southern property line which abuts a residential neighborhood. They are waiting on an interior sprinkler design so they can size the water line to the building. The NBC permit was approved on September 12, 2006, wetlands was approved on August 22, 2006. They are waiting for an Underground Injection Control (UIC) permit for the drainage system. They have requested a wall design due to the close proximity of the UIC system to the retaining wall. A traffic statement was provided to the Town Engineer.

Chairman Mancini asked Mr. Ranaldi what the TRC meant by the applicant presenting the amendments at the October meeting. Mr. Ranaldi stated that this TRC report is from August; if there are no concerns from the public or the Board, then the conditions would be the UIC permit which could be handled at final approval and a favorable review from the APC.

Chairman Mancini asked if anyone from the public wanted to speak on this development. Mr. Olean asked if the sprinkler system design was holding up the water approval and Mr. Ranaldi stated that they have received a letter saying that water is available to this project.

Mr. Olean made a motion to close the public hearing. Mr. Mercurio seconded the motion. Motion passed unanimously.

Mr. Olean made a motion to recommend approval with the conditions that are outstanding at the present time. Mr. Mercurio seconded motion. Motion passed unanimously.

Mr. Olean made a motion to delegate final approval to the Administrative Officer. Mr. Crowley seconded motion. Motion passed unanimously.

Mr. Ranaldi stated that there will be some APC meetings scheduled in the near future. It does not stop projects while finalizing their plans.

MAJOR SUBDIVISION REVIEW

- a. JCM Estates AP 26 Lot 2 Master Plan Discussion/
JCM, LLC Jenckes Hill Road Approval**

Mr. Ranaldi stated that this application is in front of the Board as a Master Plan review. It was a minor subdivision but elevated to a major subdivision because it required waivers. During the design process, the applicant has presented a design to the Board. The TRC reviewed the plan and has approval conditions regarding the

application. Wetlands permit, underground injection control permit, and a NBC permit would all be needed as a condition of approval. While these conditions are all technical in nature, the TRC believe that the application is not consistent with the area; more specifically it is not consistent with the Comprehensive Plan. The TRC feels that this represents poor design and land development. Based on the write up in the TRC report, the TRC recommends denial of this application.

Chairman Mancini stated that four documents were presented to the Board for the record – a letter from Mr. Kelly dated July 26, 2006, a letter from Edward Pimentel, a Planning Consultant, both in favor of the project, and a letter from Attorney Anthony Traini dated July 24, 2006, who is representing Jason and Courtney Lombardi, and a letter from Mr. Boys who gave testimony at the public hearing, who are both opposed to the project.

Mr. Kelly stated that as the TRC report clearly indicates, this subdivision comports with all of your zoning laws and subdivision regulations. The TRC has taken issue with whether it comports with the Comprehensive Plan; however, if you took a look at the letter he submitted, there is case after case decided by the Courts of the State of Rhode Island that clearly states that if an application meets the subdivision regulations, the Board does not have any discretion but to approve it. We have submitted from Edward Pimentel, a Certified Planner, who states that in his opinion, it does meet the

Comprehensive Plan requirements. He would like to suggest a compromise to avoid a protracted matter. He sees an appeal going forward to the Zoning Board sitting as the Planning Board of Review and on to the Superior Court all over one house. He would like the Board to consider whether they would consider making a recommendation to the Zoning Board recommending a variance to the frontage requirement. The only reason for this road is to service one house and to meet the frontage requirements. His client told him that on a prior occasion, he sought a variance from the Zoning Board and the Zoning Board never voted on it, it just languished there. In lieu of taking a vote on this matter tonight, he would grant an extension in regard to the time frame to vote, he would ask the Board to consider a recommendation to the Zoning Board in regard to a variance for the frontage so the road would not be allowed. This way a very large road for one house would not be needed. We are seeking no waivers; we have complied with the regulations. A small driveway would be put in. By doing it that way, you get to “pick your poison” in regards to this one house. He firmly believes that if he meets the regulations, he is entitled to an approval. To avoid a protracted matter, the compromise he suggested might be amenable to everyone involved. He knows there is an abutter who had some issues who is represented by Attorney Traini. He knows by speaking to Mr. Traini that the abutter’s main concern is with the road.

Chairman Mancini stated that he would like to comment on your recommendation. He is a little confused because right now the Board

has in front of us a subdivision. We have the authority to approve or disapprove. On zoning applications, we do not have the same authority. By us tabling this and making a recommendation to the Zoning Board, which there is no application for a variance to the Zoning Board; and if this was considered before, and there were not positive thoughts from the Zoning Board, he was not sure that would change. He is asking the Planning Board to make an exception. It is very unusual that we waive a frontage on a piece of property unless it was 1'-2'. In this particular case, Chairman Mancini stated that he is not sure he could make a positive recommendation to the Zoning Board to waive the frontage. Whatever this Board so desires to do will make a determination to whether this is appealed or not. Mr. Kelly agreed it was unusual but this is also unusual because this meets the regulations with no waivers and there is a recommendation for denial.

Mr. Crowley asked Mr. Ranaldi about the last paragraph that states that the applicant has successfully met all the land development and subdivision regulations, but from what he's read on page 7, it doesn't seem to meet the regulations. Mr. Ranaldi stated that it meets the technical aspects of the regulations. Mr. Crowley asked when it says it met all of the regulations if it meant technical and Mr. Ranaldi replied yes. Mr. Crowley stated that earlier in the TRC, it states that TRC reviewed the purpose that the regulations intended; it does not promote or address several of those purposes. To say it meets all of the regulations, might be overstating it? Chairman Mancini stated

yes it is. Part of the subdivision regulations also states that we need to look at the Comprehensive Plan and it talks about good planning. This rectangular piece of land will be cut up into two irregular sized lots. This design was probably a last ditch effort in order to meet the requirements of the subdivision regulations without any waivers or variances from the Zoning Board. He believes that developers have all the right in the world to develop their property, but he feels this is a lousy plan, it does not look good. You can talk about one street for one house and the commitment from the Town to plow the road and so forth. We are talking about another street off that road. In order to meet the subdivision regulations, that was the only plan you had. He has spent two or three months researching the Comp Plan, the regulations, and the state regulations which the Town mirrors. A development conceptually is supposed to enhance a neighborhood, improve on the neighborhood, and not reduce the neighborhood. He thinks that this kind of development of one house and that road has a sense of reducing what the neighborhood is all about.

Mr. Mercurio asked how the compromised position that Mr. Kelly is suggesting, differ from asking for a variance in lieu of the correct amount of frontage, but when a developer comes in and there's not enough frontage, they use a paper street to create frontage. Isn't it the same thing? Mr. Ranaldi stated that the paper street is a street that is in our Town street list. Mr. Mercurio stated that you are still creating the paper street method of getting the frontage when no frontage exists; it is the same thing as asking for a variance for the

frontage. Chairman Mancini stated that he is confused; what does a paper street has to do with it? Mr. Mercurio stated that Mr. Kelly is suggesting a compromised situation for a variance for a lack of proper frontage. We have had a developer who came in and had no frontage but came up with a paper street that was in the area and made it part of the development and got the frontage by saying there was a paper street they could get frontage off of. Chairman Mancini stated not unless the paper street was abandoned. Mr. Mercurio stated that we recently did it for Camp Meehan project – Rum Road. Mr. Krieger stated that the Town did not abandon the road. Mr. Mercurio stated that the difference is abandoning it versus it being a street. Chairman Mancini stated he can understand the frustrations of the developer, but we do not have control over both aspects. We do not have control of what the Zoning Board does.

Mr. Krieger wanted to explain that if there are platted streets, and you call them paper streets, are designated in town maps as streets, if a developer wants to come in and improve those streets to town standards, then those streets can be used for frontage. Chairman Mancini stated that is not the case here. Mr. Krieger asked Mr. Kelly to send him the letter to review the cases cited. Mr. Krieger stated that in the letter, it says that the Zoning Board did not vote to allow a variance; it is his understanding that the applicant withdrew. Mr. Kelly stated that it was before the Zoning Board, but they never voted on it. Mr. Krieger insisted that it wasn't voted on because the applicant withdrew. Mr. Kelly stated that he did not know because he

did not represent the applicant then. Mr. Krieger asked Mr. Kelly to ask the applicant. Mr. Krieger stated that the Zoning Board did not vote to deny it. Mr. McKee stated that the Zoning Board did not vote on it. Mr. Krieger stated that the letter states that the Board did not vote to allow variance, but in fact, the application was withdrawn, it was not presented. Chairman Mancini asked how long ago this was. Mr. McKee stated approximately two years ago. Chairman Mancini asked what the recommendation was from the Planning Board to the Zoning Board. Mr. Ranaldi stated the recommendation was made to deny the application.

Mr. Krieger stated that the Solicitor's office has no objection to Mr. Kelly's recommendation. He is assuming that Mr. Kelly is suggesting holding this application before you, agreeing to an extension of the time constraints, and submitting an application to the Zoning Board which may or may not be similar to what has been previously submitted. Once properly submitted to the Zoning Board, it will come before this Board for a recommendation. Mr. Kelly stated that from what he is hearing, it does not seem like it's going to be a positive recommendation. If it was denied previously, he thinks they should not waste time and tee this up and take the appeal route. If the Board wants to continue the matter one month, we will present a plan to you so you can look at it and know what you're being asked to give a recommendation on. Chairman Mancini stated that they would need longer than one month – the process will take longer than a month. Mr. Krieger stated that he regularly sits with the Zoning Board and the

Zoning Board does not always take the recommendations of the Planning Board. The Zoning Board will take the Planning Board's recommendation under advisement. Chairman Mancini asked Mr. Ranaldi how long the process takes to put in an application to the Zoning Board. Mr. Ranaldi stated that zoning applications are now being taken for November's meeting. Chairman Mancini stated that as an option, as opposed to making a decision tonight, the Board could table the matter for 90 days until such time that the Zoning Board gets the application and the Planning Board has the opportunity to make a recommendation. There are 3 options – vote to approve, vote to deny, or table for 90 days with the understanding that the Planning Board would get a 90 day extension. Mr. Kelly stated they do not have a problem with that but would ask if they could submit a plan and get a recommendation without going through the formality of filing an application, notification to abutters, etc. Mr. Kelly stated that they will go with the 90 day extension. Mr. Ranaldi stated that once an application is submitted to Zoning, the applicant will be on the Zoning agenda. It could be on the November or December zoning agenda; either way the TRC will address it at the next meeting. Mr. Krieger stated that to be sure everyone is clear; he asked Mr. Kelly what date he would pick to give the Board a letter waiving a decision on Master Plan that was due on September 8th. Mr. Crowley stated that before talking about a date, he is not inclined to give any extension. They have heard from the TRC and the abutters and they have made strong cases and he does not think anything will change in 90 days.

Mr. Crowley made a motion to take the TRC's recommendation and deny the application. Ms. Hopkins seconded the motion. Mr. Crowley stated that this matter has been heard for months. The Board has heard from the TRC and the abutters and the recommendations seem clear and concise and it is a prudent decision to deny based upon the TRC's recommendation. Mr. Mercurio stated that he does not disagree, but he thinks that Mr. Kelly has made a good point about past case law in his letter and from a fiscal prospective, if it is going to cost the Town a gazillion dollars in legal fees, it would incumbent upon us to save the Town that money and go along with the 90 days extension to let whatever happens happen. That would guarantee us that we are going through the whole process, we're not being prejudice to the developer and the legal consequence won't hurt. Mr. Crowley stated that he makes a good point but he is not convinced that if this happened at 90 days that they wouldn't be faced with the same arguments from the developer. He feels that it is not up to the developer to give us a continuance and it is not up to the developer to convince us that it's either this or court. We should make the decision now and if they are going to go forward, so be it. Mr. Mercurio stated that he is just looking at things that have happened in the past and looking to save the town some money. Chairman Mancini stated that both made valid points, but he does not make decisions based on whether he thinks this is appealable and they'll be successful. As long as the Board follows the subdivision regulations, what the Comprehensive Plan tells us, the state law, and

we make a sensible decision based on the justification brought forward on the TRC report, he will just go forward and vote accordingly. Ms. Hopkins agreed with that and agrees that the subdivision does not meet our regulations, our Comprehensive Plan. Mr. Mercurio asked Mr. Krieger if the TRC's recommendations are correct, that the project does not meet the Comprehensive Plan requirements. Chairman Mancini told him not to answer that question. Mr. Krieger stated that he hasn't had the chance to review the cases cited in Mr. Kelly's letter, but the Planning Board is bound by all aspects of the regulations, not just the technical aspects in regards to curbs, drainage, etc. The Planning Board has a mandate to uphold the Comprehensive Plan or grant waivers where it is deemed appropriate.

Mr. Olean asked for a roll call vote. Ms. Hopkins, Mr. Mercurio, Mr. Crowley, Mr. Olean, and Mr. Mancini all voted in favor of denial. Chairman Mancini stated that the vote is unanimous and the development has been denied.

b. Kirkbrae Ledges Subdivision – Phase II AP 32 Lot 45 Master Plan Discussion

Kirkbrae Ledges, LLC Lancers Lane & Hemlock Drive Approval

Mr. Krieger stated that he has notified Mr. Ranaldi and the Board in the past that he has a conflict with the applicant as he has done legal work for him in the past; Assistant Solicitor Paul Brule also has a

conflict with the applicant. He is asking the Board and Mr. Ranaldi to alert him when they think legal assistance will be necessary and Mr. Krieger will provide an outside attorney to assist. He has spoken to Mr. Ranaldi and feels there will be no legal issues to be dealt with at this time.

Mr. Ranaldi stated that this is a Master Plan subdivision of one lot into thirteen single-family residential properties. Mr. Ranaldi asked Ms. Wiegand if it was thirteen or eleven lots. It was originally thirteen lots, but with the TRC's comments, the plans were amended to eleven lots, though the numbers remained the same. Mr. Mercurio commented that we have a lot #13 in an eleven lot subdivision. Mr. Ranaldi stated that this is a unique application. The applicant is requesting six waivers of our subdivision regulations. This is down – there were thirteen lots with a considerable number of waivers. The TRC feels that it is consistent with the neighborhood, single-family development, and detached homes, similar to what is there now. This is tough, tough land. The TRC reviewed it and tried to describe the amount and type of waivers that were needed. The overall consensus was that everything is within reason. The Board must decide if the waivers are acceptable. The applicant still has to go to RIDEM; RIDEM may tell them to take out two or three lots which would cause the whole composition to change. The project is at Master Plan but the plan is very detailed because the area is a tough area. RIDEM may deny some of the applications.

Chairman Mancini stated that the only thing the Board is doing tonight is to decide if it is reasonable to move ahead to a public hearing. If the Board feels the concept is enough to go forward and receive comment from the public, then that would be reasonable. Mr. Ranaldi stated that from the developer's standpoint, do they spent all the money and go to RIDEM without Planning Board approval. Mr. Mercurio questioned Mr. Ranaldi on the offsite improvements. Mr. Ranaldi stated that the applicant is proposing several offsite improvements revolving around the proposed State of RIDOT Rest stop on Route 295. The state is asking for a sewer and water line. The water line will provide another avenue of water across Route 295 at the applicant's or state's expense. The water line would be teamed up and eliminate one dead end. For the Lincoln Water Commission, they are adding a better water line. For the RIDOT, they are getting a sewer rest stop area. Overall, weighing the waivers versus the offsite improvements, the TRC feels it is a reasonable project. Mr. Mercurio asked if it would be a positive benefit to the Town and the State; are abutters expected to come forward with problems with the development? He asked Mr. Ranaldi if he sees anything with this development so far in to cause people in the neighborhood to come out of their shoes. Mr. Ranaldi stated that people have been living behind a wooded area for a number of years and are going to say "Not in my back yard." From the Board's perspective, it is weighing the waivers requested against the offsite improvements. It would be a different story if no offsite improvements were being offered; all of this is at the expense of someone else, not the Town. Mr. Olean

stated that his concern is if there is a public hearing, there is a deadline date of November 14th. Chairman Mancini stated that he has the solution. If the recommendation is to move to a public informational hearing, he would recommend doing it on October 18th.

It would give the Board one week to digest the comments from the public. A decision must be made at the October meeting, so he would like to have the public hearing a week before the regular meeting. Mr. Olean agreed it should go to a public hearing and having it the week before gives the Board time to make a decision.

Mr. Olean made a motion to move to public informational hearing. Mr. Mercurio seconded the motion. Mr. Olean stated that he has no problem with a public hearing, but his problem is the sidewalk waivers. He also questioned why the state would spend over a million dollars on a rest stop area without sewer and water connections. Mr. Ranaldi explained that the existing rest stop is on Route 295 North and has sewer and water; the new rest stop will be on Route 295 South. There is no water or sewer availability from the new rest stop. The state is proposing to drill under Route 295 to run the water line from southern Lincoln to Northern Lincoln. There are two existing water lines – one is that really old and one that is fairly new; this would add a third brand new water line that would connect southern Lincoln with northern Lincoln. Mr. Olean asked if the developer was paying for this. Mr. Ranaldi stated that RIDOT is providing the funds. Mr. Kelly stated that the developer is providing the state with an easement at no cost through their development to

connect the northern water lines and sewer lines with the southern water and sewer lines. Chairman Mancini stated that any major land development has to go forward to a public hearing; that needs to be done before the time runs out. Mr. Kelly stated that plans and a narrative will be presented to the Board. He further stated that the Lincoln Water Commission was positive about the new line because the Town does need a new line from southern Lincoln to northern Lincoln. Mr. Mercurio stated that abutters will be offended by this development and will not care about the easement to the rest stop. Maybe something should be done for the abutters. Motion passed unanimously. Chairman Mancini stated that the matter was moved to a public informational hearing on October 18, 2006.

c. Sables Road Subdivision AP 44 Lot 33 Preliminary Plan Discussion/

Leslie W. Sables Lantern & East Lantern Roads Approval

Mr. Ranaldi stated that as everyone will remember Phase I had a new cul de sac off of Angell Road and this is Phase II being developed off of East Lantern Road. The entire subdivision consisted of 17 house lots with Phase I having 9 single-family houses and Phase II consisting of 8 single-family homes. One subdivision waiver is needed. They have submitted all required plans. The TRC has reviewed the plans and is very satisfied with what has been presented. The plans represent good design – a drainage swale will be in front of the properties with a fence along it to keep the rural

character of the area. There will also be a sight distance easement which is creating one of the waivers that is being requested. A water easement is also reducing the buildable lot area on one lot requiring a waiver. A Home Owner's Association (HOA) will be responsible for the sanitary sewer system. Final water approval and NBC approval is also needed. The TRC feels that this application should proceed to a public hearing. Chairman Mancini noted that a decision must be made by November 28, 2006.

Mr. Olean asked Mr. Ranaldi to explain the waivers that were required. Mr. Ranaldi stated that the Town asked for a sight distance easement and the looped water line is also taking off land for the water easement. Chairman Mancini stated that because of the easements that we requested, it is creating these two waivers. Mr. Ranaldi agreed with Chairman Mancini that the lot had enough buildable area before the easements. Ms. Wiegand stated that RIDEM also required that the water line be moved. Mr. Kelly stated that all utilities are being maintained by the HOA. There are some minor issues with the water, but water is available. Mr. Kelly stated that the HOA is very similar to a condo association, and the developer will initially fund two separate funds for sewer and water maintenance. Mr. Mercurio asked if the homeowners would have to put down money to the HOA when they buy the lot or when they build on the lot. Mr. Kelly stated that it could work either way, but the developer will be putting down an initial deposit when the lots are sold with a yearly assessment after that.

Mr. Mercurio made a motion to move to a public hearing on October 18, 2006. Mr. Olean seconded motion. Motion passed unanimously.

**d. Meadow View Subdivision AP 29 Lot 3 Master Plan Approval
Meridian Real estate Services, Inc. Great Road Extension**

Mr. Ranaldi stated that the Master Plan was approved on August 24, 2005 and the applicant is asking for a one year extension on Master Plan. The Town met recently with the engineers for the project, they have received RIDEM approval and are putting finishing touches on their preliminary plans. Chairman Mancini asked when the applicant requested an extension and Mr. Ranaldi replied it was on the August agenda. Mr. Mercurio asked if the Board had to give one year. Chairman Mancini stated that he is sure the developer wants to move along. Mr. Ranaldi stated that there were some concerns from residents. The applicant took great caution in designing a system. The TRC feels very comfortable with the plans.

Mr. Mercurio made a motion to grant a one year extension on the Master Plan. Ms. Hopkins seconded motion. Motion passed unanimously. The extension will begin on the expiration date, extending Master Plan through August 2007.

Mr. Olean made a motion to move Item #8A next on the agenda. Ms. Hopkins seconded motion. Motion passed unanimously.

MINOR SUBDIVISION REVIEW

a. Cullen Avenue Subdivision AP 11 Lots 49 & 85 Preliminary Plan Discussion/

Steven Freitas & Jerry Pokorny Cullen Avenue Approval

Mr. Ranaldi stated that this is a minor subdivision of two lots into 3 residential lots. All lots are to be accessed from an existing road. The lots are in a RL-9 zone. It received a Certificate of Completeness on August 1, 2006; the Board has until October 4, 2006 to make approve, approve with conditions, or deny. The TRC has reviewed the plans and recommends conditions of approval – drywells installed to capture roof runoff with the manufacturer's installation specifications being submitted at building permit stage. No finished floors or basements should be constructed at or below the seasonal high ground water level as located by a certified soil evaluator. A permit is required from NBC for sewer discharge. The TRC recommends approval with the conditions as stated above and that final plan is delegated to the Administrative Officer. Chairman Mancini asked is any waivers were being requested and Mr. Ranaldi replied no.

Mr. Mercurio made a motion to accept the recommendations of the TRC for approval with the conditions as stated in the TRC report and

that final approval is delegated to the Administrative Officer. Mr. Crowley seconded motion. Motion passed unanimously.

MAJOR SUBDIVISION REVIEW

e. Angell Road Subdivision – Modification AP 44 Lots 49 & 85

Preliminary Plan Discussion/

Angell Road Development Co. Angell & Whipple Roads Approval

Mr. Ranaldi stated that this is a modification to an approved Preliminary Plan. In the regulations, Section 10, C 1, it gives the authority to the Administrative Officer to decide if it's an amendment or a new plan. The TRC looked at the plans – it is a reconfiguration of two lots to add a small cul de sac and two additional lots. While the developer was developing the main parcel of land, he formed a relationship with a neighbor who had a long thin lot and he was able to design something based on his plans that would fit in this subdivision. The TRC feels that it is an amendment because the two new lots and the cul de sac all come from the new subdivision. The subdivision will have to supply water and sewer to these two new lots. Access to the new proposed cul de sac will be from the new roadway. The drainage has been calculated for the new cul de sac and the detention basin has been modified to accommodate any additional run off. The TRC has no comments on this project.

Chairman Mancini asked if the application jumped over Master Plan and went right to Preliminary Plan. Mr. Ranaldi replied yes because it was an amendment to the plan, but a public hearing is still required.

Mr. Olean asked what the green sections on the plan showed. Joshua Rosen of Commonwealth Engineer stated that the areas that were modified were highlighted. The detention pond has been enlarged.

Mr. Mercurio made a motion to move to a public hearing. Ms. Hopkins seconded motion. Mr. Olean asked if sidewalks were shown on the new cul de sac. Mr. Rosen stated that there would be sidewalks; there are no waivers being requested. The developer has already gone ahead at his own risk and had the utilities installed to the new lots and capped. Chairman Mancini stated that the public hearing would be held on October 25, 2006.

Ms. Wiegand stated that she would not be present at the October 25th meeting. She advised the members to visit the site and see the improvements that have been completed. The basins are in.

MINOR SUBDIVISION REVIEW

**b. Westwood Road Subdivision AP 16 Lot 10
Discussion/**

Preliminary Plan

**Gary R. & Lori A. Rosa Westwood Road & Carriage Drive
Approval**

The applicant left the meeting after the Consent Agent. Chairman Mancini asked if there was a time line on this matter and Mr. Ranaldi stated that there was a time limit and the Zoning Board was hearing the matter next week.

Mr. Mercurio made a motion to table the matter until next month. Mr. Crowley seconded motion. Motion passed unanimously.

There being no further business to discuss, on a motion made by Mr. Olean and seconded by Mr. Mercurio, it was unanimously voted to adjourn. Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Margaret Weigner

Attached September TRC Report:

On September 19, 2006 at 2:30 pm, the Technical Review Committee

met to review the agenda items for the September 27, 2006 Planning Board meeting. In attendance were Al Ranaldi, Russell Hervieux, Kim Wiegand, John Faile, Peggy Weigner, and Diane Hopkins. Below are the Committee's recommendations:

Major Land Development Review

a. A. G. Morrow Investment Building AP 28 Lot 135 Public Hearing – 7:15 PM

- A. G. Morrow Investment Co., LLC Wellington Road Preliminary Land Development

Plan Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the development of one vacant commercial parcel of land. The proposed project is to develop a 21,164 square foot commercial building with associated parking. This development will be serviced by public water and sewers. On July 17, 2006, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by November 14, 2006 or within such further time

as may be consented to by the applicant. This project was elevated to the Preliminary Plan stage by the Planning Board during their July 2006 meeting. This project is before the Planning Board for a public hearing.

The Technical Review Committee and the Engineering Division reviewed the above proposed development according to the Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a set of plans entitled "Proposed Industrial Building", AP 28 Lot 135, North Central Industrial Air Park, Wellington Road, Lincoln, Rhode Island, prepared for the applicant A.G. Morrow Investment Co. by Thalmann Engineering Co., Inc., dated May 2006. Also included in the submission is a Drainage Report & Calculations prepared by the above consultants for applicant, dated June 1, 2006. Below are the TRC concerns.

Site Plan

The site plan shows loading docks but does not have the grades to make the docks possible. According to the engineer, no loading docks are planned; the architectural plans should be revised to show this change. This commercial project is required to be reviewed by the Area of Planning Concern Committee. This committee will examine items such as proposed signage, evergreen buffer along the back property line which abuts a residential neighborhood, and lighting. A signage plan will also be required and reviewed at this meeting.

Utilities

The applicant must contact the Lincoln Water Commission (LWC) regarding service to the development. The LWC must certify that water service is available. The Lincoln Water Commission (LWC) must approve the water service. Preliminary Plan approval will be contingent on receipt of a letter from the LWC stating that there is sufficient public water for the project and that the plans are acceptable. The Limerock Fire Department must approve the development's water supply service for fire suppression. The project must obtain approval from the Narragansett Bay Commission for sanitary sewer discharge.

Drainage

The site drains generally northeast into existing wetlands. It is proposed to mitigate peak runoff in an onsite retention basin as well as through an infiltration system. The drainage plans route existing drainage from the upgradient site around the proposed development. The applicant will be responsible for the operation and maintenance of the storm drainage system which includes the basin and the infiltration system on the site. The development will require an Underground Injection Control permit from RIDEM.

Wetlands

The development will require approval from RIDEM Wetlands.

Traffic

The development requires a letter from a professional traffic engineer stating that there is adequate sight distance at the location of the proposed entrance to the site.

Based on the minor concerns presented above, the Technical Review Committee recommends that the applicant address any public concerns expressed during the Public Hearing. These concerns should be incorporated with the concerns presented above and the site plans amended. The applicant should present the amendments at the regularly scheduled October meeting.

Comprehensive Permit

- a. Albion Place AP 32 Lot 44 Comprehensive Permit Review,
- Albion Place LLC Main Street Discussion / Approval**

This application is to be reviewed under RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”.

This application represents the development of an additional six (6)

dwelling units, two (2) of which are proposed to be established as affordable dwelling units. The proposed units will be added to the existing condominium structure on three floor levels with associated off-street parking. The proposed project will meet all existing dimensional and parking requirements. The present zoning district of BL-0.5 (Business Limited) however does not permit multi-family residential uses either by right or by special use permit. If the applicant applied for relief of this requirement under the existing zoning regulations, a use variance would be required in order to develop this project.

On June 19, 2006, the application received a Certificate of Completion. According to RI General Law 45-53-4 Section IV, the local review board shall hold a public hearing on the master plan and shall, within one hundred and twenty (120) days of the issuance of the certificate of completeness, or within such further amount of time as may be agreed to by the local review board and the applicant, render a decision. Therefore, the Planning Board shall render a decision by October 17, 2006. Below are the TRC recommendations. On July 26, 2006, a public hearing was held on this application.

The Technical Review Committee and the Engineering Division have reviewed the above proposed project according to RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled "An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income

Housing Act – RI General Law 45-53”, the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a set of five sheets entitled “Albion Place Condominium”, AP 32 Lot 44, Lincoln, Rhode Island, prepared for the applicant, Albion Place LLC, by Waterman Engineering Co., dated June 2006. Included as well in the submission is a Drainage Report prepared by the above consultants for the applicant, dated June 2006 and a Traffic Safety Assessment prepared by RAB Professional Engineers, Inc. dated June 12, 2006 for Waterman Engineering. Based on the TRC review of the submitted plans and report and the above noted State law and Town ordinances, the following concerns are presented below.

Utilities

The existing building is currently supplied with public water. The applicant must contact the Lincoln Water Commission (LWC) regarding service to the development. The LWC must certify that additional water service is available. The LWC’s approval must be a condition of approval for development. The Albion Fire Department must approve the development plan for fire suppression.

The existing building is currently connected to public sewers. The applicant must also request positive availability of public sewers from the Town of Lincoln Sewer Division. The applicant is required to apply to Narragansett Bay Commission for approval of the additional

sanitary sewer discharge. The plans must show existing and proposed connections to the public sewer. The developer is responsible for any improvements to the sanitary sewer line or connections, if required by the Sewer Division.

Drainage

All proposed new development is required to mitigate peak runoff using onsite infiltration structures to capture roof runoff. Although this mitigation is mentioned in the drainage report, no calculations were given and no structures were shown on the plans. The applicant will need to perform soil evaluations in the proposed locations for the underground systems and design the structures to mitigate water quantity increases for storms up to the 25 year frequency. Plans and details of the infiltration structures are required to be shown on the plans. The property owners will be responsible for the operation and maintenance of the infiltration system and the storm drainage system on the site.

Traffic

The Traffic Safety Assessment analyzed sight distance, traffic volumes and road safety. The assessment states that requirements for sight distance are met in both directions from the access to the property. According to the assessment, the traffic volume differential is insignificant. There did not appear to be any major road alignment conditions impairing road safety. However, the variable road width in the area of the project is a concern. The TRC recommends eliminating

some of the asphalt to make a consistent edge in front of the property. Also, the TRC recommends that in order to better define and stabilize the entrance to the property, curbing should be installed on the radius and/or along some of the frontage. Alternatively, just the radius could be curbed and the shoulder/ pavement edge stabilized with riprap.

Site Plan

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The property has existing vegetative screening along Main Street which helps reduce the visual impact of the existing building. The TRC recommends that additional under story planting be added to the existing screening to further reduce the visual impact of the building. The project proposes to add parallel parking along the northern side of the parcel. This area is next to a steep slope. The TRC recommends that a wooden guard rail be installed along the property line in order to prevent cars from traveling down the sloped area.

The Zoning Board of Review submitted a positive recommended for this Comprehensive Permit and found that the recommended conditions of approval as presented by the TRC were appropriate. Therefore, based on the submitted application and the positive recommendation of the Zoning Board, the TRC recommends Approval with the following conditions.

1. The LWC must certify that additional water service is available and

approve the proposed water service for the new units.

2. The Albion Fire Department must approve the development plan for fire suppression.

3. The applicant must also request positive availability of public sewers from the Town of Lincoln Sewer Division. The plans must show existing and proposed connections to the public sewer. The developer is responsible for any improvements to the sanitary sewer line or connections, if required by the Sewer Division.

4. A Narragansett Bay Commission permit for the additional sanitary sewer discharge.

5. The proposed development is required to mitigate peak runoff using onsite infiltration structures to capture roof runoff. The applicant will need to perform soil evaluations in the proposed locations for the underground systems and design the structures to mitigate water quantity increases for storms up to the 25 year frequency. Plans and details of the infiltration structures are required to be shown on the plans. The property owners will be responsible for the operation and maintenance of the infiltration system and the storm drainage system on the site.

6. The applicant shall eliminate some of the asphalt to make a consistent edge in front of the property.

7. The applicant shall install granite curbing on the radius of the entrance to the property and the shoulder/ pavement edge stabilized with riprap.

8. The applicant shall install additional under story planting to the existing screening to further reduce the visual impact of the building.

9. The applicant shall install a wooden guard rail along the property line in order to prevent cars from traveling down the sloped area.

Major Subdivision Review

- a. JCM Estates AP 26 Lot 2 Master Plan Discussion /**
 - JCM, LLC Jenckes Hill Road Approval**

Please Note: This application was not heard in August due to a lack of a quorum. Please refer to your August Planning Board packet for plans on this project.

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's request for several subdivision regulation waivers. On May 11, 2006, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by September 8, 2006 or within such further time as may be consented to by the applicant. On August 23, 2006, the applicant consented to a one month extension

due to the lack of quorum of the Planning Board.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “Master Plan Submission for JCM Estates Major Subdivision,” on Jenckes Hill Road AP 26 Lot 2, in Lincoln, Rhode Island, prepared for JCM, LLC by Commonwealth Engineers & Consultants, dated December 2005, revision date July 12, 2006. Other information received included a letter of water service availability from the Lincoln Water Commission dated July 11, 2006. The applicant had previously submitted an “Environmental and Community Impact Report” prepared by the above engineer dated December 2005, a letter from Natural Resource Services, Inc. dated April 30, 2004 and a letter from Ecotones, Inc dated May 23, 2005 for the above project. Below are the TRC recommendations for this project.

Wetlands/ Drainage

Natural Resource Services, Inc. performed a wetlands delineation for the project area. According to their letter, there are no RIDEM jurisdictional wetlands located on site. This is not the same as a verification of wetlands from RIDEM. A letter of non-jurisdiction or an approved permit from RIDEM is required as a condition of the subdivision approval.

Per the Town ordinance, a sedimentation and erosion control plan

must be submitted and approved before any construction or earth disturbance is performed on site. Due to the known seasonal high groundwater in this area, a condition of any approval must include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator. A certified seasonal high groundwater elevation must be established prior to the release of any building permit. Drainage from the roadway is proposed to be infiltrated into the ground through an underground system. An Underground Injection Control permit from RIDEM is required as a condition of the subdivision approval. In addition, roof drainage is proposed to be directed to an underground infiltration unit. This property is at a low point on Jenckes Hill Road. Storm water runoff from the road is designed to flow into an existing storm drain in the Jenckes Hill Road right of way by way of a culvert under the proposed road. The drainage infrastructure in the State road must be included in the Physical Alteration Permit.

Utilities

The new lot is shown to be connected to public water and sewer; the existing house is already served by these public utilities. According to a letter dated July 11, 2006 from the Lincoln Water Commission, public water is available and the proposed water service for the new lot, per a July 7, 2006 revised plan, is acceptable. Sanitary sewer service is already available to AP 26 Lot 2, for the existing house on the lot. In response to a letter from the engineers and a drawing dated

July 6, 2006, the sewer supervisor has determined that the design for the sewer is not acceptable. An eight inch line is required in the street, not a six inch line. The developer would also be required to obtain a permit from Narragansett Bay Commission for the additional connection to the public sewer as a condition of this subdivision.

Site Plan/ Traffic

Jenckes Hill Road is a State road and requires a Physical Alteration Permit from RIDOT for any new access or new land use as well as the construction of drainage infrastructure in the State right of way. A permit must be obtained as a condition of this subdivision. The regulations require sidewalks. One side of the proposed road indicates a ten foot wide sidewalk. This is not the standard width. A standard width sidewalk is required.

Consistency with the Comprehensive Plan and Land Development and Subdivision Regulations

The Technical Review Committee feels that the project is inconsistent with the Lincoln Comprehensive Plan. The general and town wide goals, objectives and policies presented in the Comprehensive Plan have created the basis for the development and establishment of the Town's Land Development and Subdivision Regulations (the Regulations). As presented in the Land Use element of the Comprehensive Plan, the Town of Lincoln has been successful at managing its land use development by following the Comprehensive Plan and the Zoning and Subdivision Regulations. The 2003

Comprehensive Plan Update points out that the pressure to deviate from these plans will become greater as the amount of available vacant land decreases. This project is a clear indication of the pressures the Town will be confronted with in the future (2003 Comprehensive Plan – Land Use Element).

Within Section 1 of the Subdivision Regulations, the general purposes of the regulations are presented. The regulations were developed and are maintained in accordance with RIGL 45-23 and the Lincoln Comprehensive Plan (which complies with RIGL 45.22.2) and the Lincoln Zoning Ordinance (which complies with RIGL 45.24-27 et seq.). The TRC reviewed the purposes that the regulations are intended to address and feel that this project does not promote or address several of these purposes. Specifically, the TRC feels that this project does not promote or address subdivision purposes number 2 – 5 (2005 Land Development and Subdivision Regulations, page 3).

- Purpose (2) - Promote high quality and appropriate design and construction of land development and subdivision - The project “does not promote high quality and appropriate design and construction of land development and subdivision”. It is not appropriate to accept the maintenance for a public road constructed for the sole purpose of creating one new house lot.**

- Purpose (4) - Promote design of land development and subdivisions that are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can allow the best support for the**

appropriate uses by reason of natural characteristics and existing infrastructure - The project does not “encourage local design and improvement standards to reflect the intent of with regard to the physical character of the various neighborhoods and districts of the Town”. Limerock village is an area where the Town “seeks ways to use less land” for development.

- **Purpose (5) - Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town – The project does not “Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town”. The project is for the development of one road for one new house and one existing house. Limerock village is made up of neighborhoods. This project does not represent a neighborhood.**

The Lincoln Comprehensive Plan states that the Lincoln Land Development and Subdivision Regulations (the Regulations) must be followed. In the Regulations, Section 1 relates the purposes for the regulations. Specifically the following purpose is not positively addressed:

- The project “does not promote high quality and appropriate design and construction of land development and subdivision”. It is not appropriate to accept the maintenance for a public road constructed for the sole purpose of creating one new house lot.

While the applicant has successfully met all of the Land Development and Subdivision Regulations, the Technical Review Committee feels that the project does not meet the goals and objectives of the Comprehensive Plan. Therefore, the Technical Review Committee recommends that this Master Plan application be denied.

b. Kirkbrae Ledges Subdivision – Phase 11 AP 32 Lot 33 Master Plan Discussion

- Kirkbrae Ledges, LLC Lancers Lane & Hemlock Road Approval

Please Note: This application was not heard in August due to a lack of a quorum. Please refer to your August Planning Board packet for plans on this project.

This Revised Master Plan (08-03-06) application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into 11 single-family residential lots. The project is proposed to be reviewed in one phase. One house lot is proposed to be developed at the end of Hemlock Road. Ten house lots are proposed to be developed off of an extension of Lancers Lane. This extension will have two new cul-de-sacs. On July 17, 2006, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be

consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by November 14, 2006 or within such further time as may be consented to by the applicant. Below are the TRC recommendations for this project.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “Kirkbrae Ledges Subdivision, Phase 11”, AP 32, Lot 45, in Lincoln, Rhode Island, prepared for Kirkbrae Ledges LLC by Pare Engineering Corp., dated June 2006, amended August 3, 2006. Also received was a document entitled “Master Plan Report Kirkbrae Ledges Subdivision- Phase 11” prepared for the above applicant by the above engineers dated June 2006. Below are the TRC concerns.

Site Plan

Based on the revised master plan submission dated August 8, 2006, the applicant is requesting six subdivision regulation waivers. The requested waivers are as follows;

- The maximum allowed road is 720 feet long for this zone. The southwestern most cul de sac off Lancers Lane is greater than 720 feet. The proposed cul de sac is 1040 feet long.

Roadway Length: The RIDEM has worked with the developer and

LWC to get an easement for use of supplying water to the southbound rest stop/ Blackstone Valley Gateway center proposed on Interstate Route 295 (I-295). The construction and access to the easement is facilitated by the longer than standard road in this development. The easement would be granted free of cost. Since the water line requiring this easement has benefits to the Town and the State, the TRC feels that the variance for a longer road is acceptable.

- Sidewalks. The applicant is requesting a waiver of sidewalks due to the fact that the existing neighborhood does not have sidewalks. Any new sidewalks would not connect to an existing pedestrian system.**

- Buildable area. The buildable area for each lot is calculated and presented in a graph. Four lots would require waivers. The lots are number 1, 5, 12, and 13. Lots numbered 1 and 5 do not conform to the minimum buildable lot area due to steep slopes. Lots numbered 12 and 13 do not conform to the minimum buildable lot area due to 200' riverbank area.**

Proposed lots 1 and 5: less than 20,000 SF due to steep slopes. The existing contours of these lots contain several humps. In the particular situation for these variances, it does not appear that any extraordinary construction measures or engineering technology would be required to bring the proposed lots into conformance with the standards. No excessive blasting, retaining walls or cliff-like features would result from re-grading; therefore these variances are acceptable, in this case.

Proposed lots 12 and 13: less than 20,000 SF due to wetlands. Riverbanks are excluded from the buildable lot area. The two houses are proposed to be located entirely in the 200 foot riverbank wetlands. No soil evaluation or seasonal high ground water information is available for either of these areas. The TRC does not generally recommend approving any major construction in a wetland area. Of the two lots requiring a variance, the Engineering Office cannot give a positive recommendation to accepting lot 13. Particularly, the proposed extension of Hemlock Drive as a cul de sac and the associated storm water basin required for the house on lot 13 are in an especially marginal location. Public Works' concerns are with the proximity of the house and detention basin to existing, down gradient houses, the seasonal high water table and adjacent stream. Public Works cannot control how a home owner redirects drainage flow from roof drains, accessory structures, landscaping after a certificate of occupancy has been granted.

Groundwater

A certified soil evaluator estimated the seasonal high ground water elevations at various locations on the property. The Town Engineer witnessed the excavation of test pits. This data is not shown on the plans. In general, the seasonal high ground water elevations are within a few feet of the surface. Because of existing drainage problems in the area and the lack of any alternative drainage site for ground water brought to the surface, it is recommended that a condition of approval for the subdivision be that finished floors or

basements must be set above the seasonal high ground water elevation. In addition, for the same reason, it is recommended that no detention basins be constructed into the elevation of the seasonal high ground water.

Wetlands

The proposed subdivision must obtain a RIDEM Wetlands Preliminary Determination permit as a condition of approval for subdivision. Riverbanks are excluded from the buildable lot area. The house proposed off Hemlock Drive is located entirely in riverbank wetlands. A letter verifying the location and type of some of the wetlands on the property did describe an isolated wetlands which would not have an associated perimeter wetlands. It is not likely that the findings in this letter, despite having expired, would be significantly different. However, the letter does not appear to have verified the type of wetlands between lots 7 and 9.

Utilities

The plan shows public water and sewer connections to the proposed lots. Gravity sewers are proposed. Written conformation of the availability of public sewers and the ability of the receiving pump station to accommodate the addition flow must be submitted. The Lincoln Water Commission (LWC) has communicated to the Town that public water service is available to this project. The water line is proposed to be looped through an easement to meet LWC requirements.

Drainage

The Town has observed severe, existing drainage problems over the years in this area. Drainage design for the subdivision must include no increase of stormwater peak rate of flow or volume from the subdivision onto the properties on Kirkbrae or Timberland Drives, Lancers Lane or into the wetlands connected to the brook that flows under Timberland Drive. This is recommended so as not to exacerbate existing drainage problems in the Kirkbrae neighborhood.

Based on the revised Master Plan submission dated August 3, 2006, the number of proposed house lots and waivers have dropped from 13 house lots to 11 and from 12 waivers to 6. Again, the Technical Review Committee wrestled with the number of subdivision waivers required by this project. This concern was expressed to the developer which in turn presented several noteworthy off site improvements he will do in coordination with this subdivision. At this time, the TRC recommends to the Planning Board that they weigh the number of waivers against the proposed off site improvements and discuss the likelihood of this project moving ahead to a successful outcome with the developer. The TRC feels that the off site improvements and the benefits that they will provide to the Town and the State outweigh the associated waivers. The TRC feels that the project should move to the public informational stage of the process.

Plan Discussion /

- Leslie W. Sables Lantern and East Lantern Road Approval

Please Note: This application was not heard in August due to a lack of a quorum. Please refer to your August Planning Board packet for plans on this project.

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into 17 single-family residential lots. The project is proposed to be reviewed in two phases. Phase one represents the development of 9 single-family residential lots and one new cul-de-sac. Phase two represents the development of 8 single-family residential lots. One subdivision waiver is requested. The Planning Board is reviewing Phase 2.

On August 1, 2006, the Phase 2 - Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Phase two of the Preliminary Plan must be made by November 28, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division reviewed the proposed development according to the Lincoln Land

Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The latest submission included a set of 14 sheets entitled “Preliminary Plan Submission for Phase 2, Sables Road Subdivision”, Lincoln Rhode Island, AP 44 Lot 33, prepared for Leslie W. Sables by Commonwealth Engineers & Consultants, Inc., dated July 7, 2006. Additional material previously received included a report entitled “Stormwater Management Analysis” revision date October 28, 2005 prepared by the above consultant for the above applicant. Soil evaluation logs performed by a certified soil evaluator were previously reviewed as well. A copy of the RIDEM Wetlands stamped approved plans have been received by the Engineering Office. Below are the TRC recommendations for this project.

Wetlands

The proposed subdivision has received an approval from Department of Environmental Management (RIDEM) Wetlands dated July 19, 2006 which included improvements to East Lantern Road and Lantern Road in Lincoln. The RIDEM Wetlands permit included both Phases 1 and 2.

Drainage

There are existing drainage problems and seasonal high groundwater in the area of the project. The Town reviewed the drainage report for the proposed development. Phase 2 contains a swale in front of the proposed lots on East Lantern Road to be maintained by the

individual property owners as a restriction on their deeds. This deed restriction must be approved by the Town DPW and solicitor.

Groundwater

Groundwater is a significant problem in this area. No form of subdrains will be allowed to drain onto the road or abutting properties. A certified soil evaluator will be required in order to obtain information so that the houses are set above the seasonal high ground water elevation. A condition of any approval must also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation. A note was shown on the plan addressing this issue.

Sanitary Sewers

The design as well as the ownership, maintenance and operation of the proposed pumping station will be through a private homeownership association. The association agreement must be approved by the Town solicitor as a condition for approval. The design and specifications for the pump station must be approved by the sewer supervisor and the Public Works Department. The force main and gravity sewers in the public road and utility easements are proposed to be owned and maintained by the homeowners association, but accessible to the Town in case of an emergency. The developer must also provide a generator for the Rollingwood pump station, as agreed in discussions May 2006 between the Public Works Department, the applicant and his attorney, as a part of

mitigating the impact to the existing area collection system. This item was included in Phase 1 but has not yet been completed. Preliminary Plan approval will require approval from Narragansett Bay Commission for sewer discharges as a condition of approval.

Public Water Service

John Faile, superintendent of the Lincoln Water Commission (LWC) stated that he is in the process of negotiating a waterline design with the developer. The homeowners association will be responsible for water lines within the development. The Town has not yet received any written approval for the project from the LWC. Preliminary approval will require approval from the LWC as a condition of approval.

Traffic

Phase 2 includes improvements to Lantern and East Lantern Roads and an easement to provide adequate sight distance for vehicles turning the corner on Lantern Road at East Lantern Road. The easement description must describe the property owners' and the Town's responsibilities.

Site Design

One subdivision waiver is requested for Lot 10 which contains less than 40,000 square feet, the minimum buildable area, due to wetlands and sewer and water easements. One of the easements is the sight distance clearance. This is not an area which would be built on in any case. The other easement, for water and sewer, was moved out of the

perimeter wetlands in accordance with RIDEM comments on the permit application. The TRC recommends granting a waiver for buildable area for this particular situation due to the Town's request for sight distance clearance at the corner of the existing road.

Based on the above noted request for a waiver and minor concerns, the TRC feels that the application fulfills the requirements of a preliminary plan submission. Therefore, the TRC recommends that the application proceed to a public hearing. An updated abutter's list is required for notification.

d. Meadow View Subdivision AP 29 Lot 3 Master Plan Approval Extension

- Meridian Real Estate Services, Inc. Great Road

Please Note: This application was not heard in August due to a lack of a quorum. Please refer to your August Planning Board packet the letter requesting a time extension for this project.

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into fifteen conventional single-family lots. The subject lot contains approximately 13.0 acres of land and is located in zoning district RS-20 (20,000 square feet – Residential Single Family). The proposed homes are to be serviced by public water and sewers. On August 24, 2005, the project received Master Plan approval with conditions. The applicant is requesting a

one year extension of the Master Plan vesting period due to an extended RIDEM permitting process and associated preliminary plan engineering. The Technical Review Committee reviewed this request and recommends a Master Plan extension of one year.

e. Angell Road – Modification AP 44 Lots 12, 90 Preliminary Plan Discussion /

- Angell Road Development Co. Angell Road, Whipple Road Approval

This application is under the 2005 Subdivision Regulations and represents the addition of two new single family lots into a recently approved subdivision of thirteen single family residential lots. Lot #10 and 11 will be reconfigured to allow a new cul-de-sac to pass by them. The new lots #14 and 15 will be located at the end of this cul-de-sac. The two new proposed lots will be serviced with public sewer and water. The subject lots are located in zoning district RS-20 (20,000 square feet – Residential Single Family).

The proposed project is classified as a Modification according to Section 10 (C) of the Subdivision Regulations that states, “Major changes to a land development or subdivision plan may be approved only by the Planning Board and must follow the same review and public hearing process required for approval of preliminary plans as described herein. For the purpose of these regulations, the term “major changes” shall mean any change that, in the opinion of the Administrative Officer, is clearly contrary to the intent of the original

approval. Such major changes shall include, but are not necessarily limited to the following: (1) Changes that would have the effect of creating additional lots for development or dwelling units”.

On August 16, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “If a street extension or creation is required, the Planning Board shall hold a public hearing prior to approval according to the requirements of these regulations at Section 18(c) & (d) and shall approve, deny, or approve with conditions, the preliminary plan with conditions within ninety five (95) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 27”. Therefore, a decision on the Preliminary Plan review must be made by November 19, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a set of plans entitled “Modification to an Approved Subdivision for Angell Road Subdivision – AP44 Lot 12 and 90”, prepared for E.A.M. Properties, LLC by Commonwealth Engineers and Consultants, dated July 21, 2006. The submitted plans successfully address all of the regulation requirements. The existing detention basin has been enlarged to accommodate the increased stormwater runoff and the newly

installed pump station can handle the increases. Therefore, the TRC recommends that the application proceed to a public hearing.

Minor Subdivision Review

a. Cullen Avenue Subdivision AP 11 Lots 49 and 85 Preliminary Plan Discussion /

- Steven Freitas & Jerry Pokorny Cullen Avenue Approval

Please Note: This application was not heard in August due to a lack of a quorum. Please refer to your August Planning Board packet for plans on this project.

This application is under the 2005 Subdivision Regulations and represents the subdivision of two lots into three residential lots. All lots are accessed from an existing road. The subject lots are located in zoning district RL-9 (9,000 square feet – Residential Limited). The proposed project is classified as a Minor Subdivision.

On August 1, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8 herein. Therefore, a decision on the

Preliminary Plan review must be made by October 4, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a set of plans entitled “Pre-Application Minor Subdivision Plan – AP11 Lot 49 and 85”, prepared for Steven M. Freitas and Jerry and Donna Pokorny by David M. Garrigan PLS#1580, dated June 29, 2006 and revised on August 17, 2006.

Wetlands/ Drainage

No wetlands appear to be present on the property and none were located by the surveyor. In order to prevent any adverse impact to the existing properties and the road, the Engineering Division recommends that the new house must have onsite drainage attenuation such as dry wells to capture the roof runoff as a condition of any approval. Building plans will need to show the manufacturer’s installation specifications and detail. A condition of any approval should also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator.

Erosion controls

Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth

disturbance is performed on site. Any construction entrances will also need to have stone construction pad, unless the existing asphalt driveways are used as entrances.

Utilities

The new lot is proposed to be connected to public water and sewer. Letters to the availabilities of these two utilities have been submitted. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge as a condition of approval.

Site Plan

1. Granite bounds must be shown on the site plan and the final record plan marking the location of the new property corners.

Based on the above noted minor concerns, the TRC recommends Approval with Conditions as stated above. The TRC also recommends that Final Plan approval be delegated to the Administrative Officer.

b. Westwood Road Subdivision AP 16 Lot 10 Preliminary Plan Discussion /

- Gary R. and Lori A. Rosa Westwood Rd. & Carriage Dr. Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. All lots

are accessed from an existing road. The subject lots are located in zoning district RS-12 (12,000 square feet – Residential Single Family). The proposed project is classified as a Minor Subdivision. In addition to the Planning Board review, this application will require Zoning Board review and approval. The existing house and detached garage will require one Use Variance (two family dwelling unit in a single family zone) and a Dimensional Variance (front yard setback relief for the existing house, and side yard setback relief for the existing garage). The zoning applications are scheduled to be heard on October 3, 2006.

On September 15, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8 herein. Therefore, a decision on the Preliminary Plan review must be made by November 19, 2006 or within such further time as may be consented to by the applicant. According to Section 6 (A)(1) of the Subdivision Regulations, “Where an applicant requires both a variance from the zoning ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous; then obtain conditional zoning

relief, then return to the Planning Board for subsequent required approval(s).”

Due to the fact that subdivision of this property is dependent on zoning approvals and that the subdivision is creating the need for zoning relief, the Technical Review Committee reviewed this application from three different review points. The TRC reviewed the project from a purely technical subdivision point, a land development and Comprehensive Plan point, and from a zoning perspective. Below are the three review comments.

- **Technical Subdivision Review** - The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “Minor Subdivision” AP16 Lot 10, Westwood Road and Carriage Drive in Lincoln, Rhode Island, prepared for Gary & Lori Rosa by Marsh Surveying Inc., dated April 5, 2006.

Groundwater/ Drainage/ Wetlands

No wetlands appear to be present on the property. However, seasonal groundwater may be a concern. Therefore as a condition of approval, the TRC recommends that no finished floors or basements shall be constructed at or below the seasonal high groundwater, as located by a certified soil evaluator. The plan also shows a proposed location for a dry well to be installed. This detail must be included for review at the time that the building permit application is filed. Per the

Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. Any unused wells on site must be closed according to the appropriate RIDEM regulations.

Utilities

The sewer supervisor must confirm that public sewers are available. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge. The applicant must receive approval for water service to the proposed new lot from the Lincoln Water Commission.

Site plan

The location of the proposed driveway for the new house is acceptable.

Record plan

Granite bounds must be shown marking the location of the new property corners.

• Land Development and Comprehensive Plan point – The existing residential dwelling units is a two family house located within a single family area. Zoning relief is needed. The TRC feel that this two family house is inconsistent with the surrounding single family houses in the area. Subdivision of this property would enable three dwelling units to be located in an area that is zoned for only two dwelling

units.

• Zoning Perceptive – In general, the Technical Review Committee recommends denial of two of the three zoning variances requested. The TRC feels that the variance for the two family unit is inconsistent with the surrounding area and will result in greater financial gain and the variance for the garage would be the result of an action of the applicant by requesting a subdivision. See the full zoning review below.

As stated above, this application for subdivision will require three variances. The subdivision regulations require that the Planning Board issue an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project. Therefore, based on the technical aspects of this application, the subdivision works but it will only work with zoning approval. Therefore, the TRC recommends that the applicant proceed to the Zoning Board for review. If the variances are approved, the applicant can come back to the Planning Board in October.

Correspondence/Miscellaneous (*)

a. Staff Reports

b. Bank of Rhode Island AP28 Lot 51 Final Plan Approved and Recorded

This project represents the subdivision of two commercial lots into three lots. On July 20, 2006, the applicant successfully addressed all of the preliminary plan approval conditions. Therefore, final plan was issued and the final plan was recorded.

c. Special Care Facility AP41 Lot44 Final Plan Approved

This project represents the commercial development of one lot. On August 3, 2006, the applicant successfully addressed all of the preliminary plan approval conditions. Therefore, a letter was issued that final plan approval has been issued.

d. Winterberry Estates AP45 Lot335 Maintenance Bond Approval

This project represents the subdivision of one residential lot into seven lots. On August 8, 2006, the applicant successfully completed the public infrastructure. In order to proceed to Final Plan, a maintenance bond must be established. The TRC has reviewed the bond amount determined by the engineering department and recommend approval of this amount.

e. Lincoln Meadows II AP45 Lots 1,2, 181, & 335 Remediation Bond Approval

This project represents the subdivision of three lots into twenty residential lots. During the month of July, the applicant successfully completed the preliminary plan conditions. In order to proceed with the construction of the public infrastructures, a remediation bond must be set. The authority to approve a bond amount was delegated

to the Administrative Officer of the Planning Board. On August 3, 2006, a remediation bond of \$26,000.00 was established. This amount was given to the applicant.

f. Lincoln Garden Estates AP 43 Lots 20 & 21 Remediation Bond Approval

This project represents the subdivision of two lots into five residential lots. During the month of August, the applicant successfully completed the preliminary plan conditions. In order to proceed with the construction of the public infrastructures, a remediation bond must be set. A remediation bond of \$7,600.00 was established. This amount was given to the applicant.

g. Ernest Yelle & Susan Dean AP 29 Lot 80 Final Plan Approved and Recorded

This project represents the subdivision of one lot into two residential lots. On August 11, 2006, the applicant successfully addressed all of the preliminary plan approval conditions. Therefore, final plan was issued and the final plan was recorded.

h. Alice Raymond AP 13 Lot 31 Final Plan Approved and Recorded

This project represents the subdivision of one lot into two residential lots. On August 10, 2006, the applicant successfully addressed all of the preliminary plan approval conditions. Therefore, final plan was issued and the final plan was recorded.

i. Riverfront Subdivision AP 44 Lot 436 Remediation Bond Approved

This project represents the subdivision of one lot into five residential lots. During the month of August, the applicant successfully completed the preliminary plan conditions. In order to proceed with the construction of the public infrastructures, a remediation bond must be set. The authority to approve a bond amount was delegated to the Administrative Officer of the Planning Board. A remediation bond of \$16,400.00 was established. This amount was given to the applicant.

j. Bank of Rhode Island AP28 Lot 51 Amended Final Plan Approved and

Recorded

This represents an amendment to the final plan recorded on July 20, 2006.

Zoning Applications (*) - October Zoning Applications

A.F. Homes, P.O. Box 2312, Pawtucket, RI – Application for Use Variance to convert vacant existing mill building into 48 condominium units on property located at 90 Industrial Circle, Lincoln, RI AP 2, Lot 82 Zoned: MG 0.5

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends approval with conditions of this use variance. The TRC feels that the proposed application is consistent with the housing, land use, economic development, and growth management sections of the Town of Lincoln's Comprehensive Plan (pg. 80). The Comprehensive Plan specifically notes that, "use of mill buildings in the Saylesville industrial park must be encouraged", (pg 81). The proposed mix-use of this now vacant property will be a less intensive use of the parcel. Residential and light business uses currently surround this area and the proposed development will compliment the established residential neighborhood across the street. Based on the Comprehensive Plan's objectives, the Town developed a proposed zoning ordinance amendment for mill conversion. This amendment would establish the conversions of existing mill buildings into residential use as a special use permit. There is one difference that this application does not provide for but the proposed amendment requires and that is the requirement of affordable units. The affordable housing requirement is noted in the Affordable Housing Production Plan. Other than this difference, this application could easily fit within the objectives and standards of the proposed amendment.

The recommended conditions of approval are; the applicant establish 25% of the proposed units as affordable as discussed in the Town's Affordable Housing Production Plan, the applicant come before the Zoning Board to address the pre-existing setback conflicts of the

building, and, the applicant research, locate and document on the plans the existing drainage line easement that originates at Ballou Avenue and transverse through the property to the abutting pond.

The TRC also wanted to inform the applicant that this application would be considered as a major land development and therefore would have to be reviewed by the Planning Board. Below are several concerns that the TRC would be considering during this review. The TRC and the Planning Board will review items such as: existing and proposed utilities, fire department accessibility, traffic conditions, and proposed landscaping. The TRC is also interested in what is proposed for the rear of the building and the existing load dock and covered area.

Thomas & Joyce Burlingame, 37 Kilburn Avenue, Lincoln, RI –
Dimensional Variance for front yard setback for the construction of an addition.

AP 10, Lot 292 Zoned: RG 7

Members of the TRC visited the site and reviewed the submitted plans and application. The TRC recommends approval of the application for a dimensional variance. The TRC feels that due to the unique characteristics of the structure, and the limiting size of the property, the application meets the standards of relief for a dimensional variance. The Committee finds that the relief requested will not alter the general character of the surrounding area or impair the intent or

purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

Gary & Lori Rosa, 34 Westwood Road, Lincoln, RI –Use Variance for the reduction of lot size for new subdivision.

AP 16, Lot 10 Zoned: RS 12

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Denial of this use variance. The TRC feels that the use variance for the two-family unit is inconsistent with the surrounding area and inconsistent with the Comprehensive Plan. The Committee feels that the application does not meet any of the standards for relief of a use variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The Technical Review Committee feels that the use variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Gary & Lori Rosa, 34 Westwood Road, Lincoln, RI –Dimensional Variance for front and side yard setback.

AP 16, Lot 10 Zoned: RS 12

Members of the Technical Review Committee visited the site and

reviewed the submitted plans and application. The Technical Review Committee recommends Denial of this dimensional variance. The TRC feels that the dimensional variance for the two-family unit and associated detached garage is inconsistent with the surrounding area and inconsistent with the Comprehensive Plan. The Committee feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The Technical Review Committee feels that the dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Sayles Mill Realty, 85 Industrial Circle, Lincoln, RI – Use Variance for the operation of a personal trainer/fitness center.

AP 2, Lot 88 Zoned: MG 05

Members of the Technical Review Committee visited the site and reviewed the submitted site plan and application. The TRC recommends Approval with Conditions on this use variance application. On August 2, 2005, a use variance was granted for similar uses in the same building. The approval was granted with several conditions to improve pedestrian safety. While the conditions were successfully incorporated into the site, the TRC feels that additional efforts should be made to improve pedestrian safety. For

example, the TRC feels that the striping of the parking lot and crosswalk has faded and should be redone. The TRC recommends using thermo plastic reflective striping. Also, the current lighting is not significant. Several clients of the new businesses have noted the dark conditions of the site. Signage has not been addressed. The TRC feels that the applicant needs to provide some type of signage to direct people around the site. Future signage needs of other tenants should also be taken into consideration. The Technical Review Committee in general likes the reuse of the building but stresses the need to improve pedestrian safety. The TRC would appreciate the opportunity to review a more detailed site plan and application that addresses these concerns.

Inland American Retail Management LLC, 2901 Butterfield Road, Oakbrook, IL – Special Use Permit to increase tenant and ownership square footage signage on exterior of property located at 622 George Washington Highway, Lincoln, RI.

AP 41, Lot 7 Zoned: BL 05

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee could not make a recommendation due to the very limited information provided in the submission. The number, size, type, and location of the proposed signs are not detailed on a site plan or within the application. Therefore, a proper evaluation could not be conducted. The TRC could not determine if the new signs are for

existing businesses or new businesses. The TRC could not determine if the proposed signs fall within the required square footage per the zoning ordinance.

Sandy Sidoti/AT Cross, One Albion Road, Lincoln, RI – Special Use Permit for the installation of signage.

AP 28, Lot 41 Zoned: ML 05

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of the Special Use Permit for the installation of additional signs. The application requests the addition of six new signs to define the location of the existing building use and the location of the new retail use. The site plans specifically details the location and type of the new proposed signage. The TRC feels that due to the unique nature of the building and more specifically the layout of the facility, that the requested signage will clarify pedestrian and vehicular entrances and traffic flow.